

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:07CV82**

UNITED STATES OF AMERICA

Plaintiff,

vs.

CODY SAMUEL FOX,

Defendant.

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ORDER

THIS MATTER is before the Court on its own motion.

On July 17, 2007, Plaintiff, the United States of America, by and through United States Attorney Gretchen C.F. Shappert, brought suit against Defendant Cody Samuel Fox in the United States District Court for the Western District of North Carolina. The Complaint seeks recovery of a sum certain, \$85,660.25, plus interest and administrative costs that continue to accumulate, for Defendant's alleged default on a loan from the Farm Service Agency. On August 21, 2007, Defendant contacted Plaintiff and requested additional time to obtain representation or to otherwise proceed pro se. On August 21, 2007, by letter, Plaintiff agreed to grant Defendant an extension until September 4, 2007 to answer the complaint. (Plaintiff's Declaration for Entry of Judgment by Default, Exhibit A). Having received no response from Defendant, Plaintiff moved on September 5, 2007 for the entry of default. The Clerk of the Court entered default against Defendant on September 5, 2007.

On September 6, 2007, this Court received a filing of documents by Defendant that he dated September 4, 2007. (Document #10: Letter, Waiver of Service of Summons, Consent to

Magistrate Judge Jurisdiction form, Corporate Disclosure form, Joint Stipulation of Consent to Magistrate Judge form, and an IAC form). On September 7, 2007, with an attached Declaration for Entry of Judgment by Default, Plaintiff requested entry of judgment by default. (Documents #6 and #7). The Clerk of the Court entered judgment by default against Defendant on September 10, 2007.

The nature of these respective filings indicates that the motions of Plaintiff and the reply of Defendant have passed in the mail. The Court will therefore order Defendant, in writing, to show cause as to why default judgment should be set aside in this matter. If Defendant does not respond to this Order, then the default judgment entered against him will stand and will be subject to enforcement.

DEFENDANT CODY SAMUEL FOX: The United States of America has filed suit against you and alleges that you are in default on a loan that you received from the Farm Service Agency. You must respond to these allegations, paragraph by paragraph, as contained in the Complaint, and explain why this Court should not order you to pay the government this money. If this Court does not **receive** a response from you by October 31, 2007, the default judgment entered against you will stand and the United States may enforce that judgment against you. In other words, if you do not respond to this Order, the United States will require you to pay \$101,962.85 plus interest and costs that continue to accrue until your debt is fully paid.

**The Address of the Courthouse is:
200 W. Broad St.
Statesville, NC 28677-5258**

**The phone numbers for the Clerk's office are:
704-883-1045
704-883-1004**

IT IS, THEREFORE, ORDERED that, **by October 31, 2007**, Defendant Fox **must respond to this Court in writing** and **SHOW CAUSE** as to why the default judgment in this civil action should be set aside. This response must be received by the Court on or before October 31, 2007. Failure to respond will result in the enforcement of the default judgment against Defendant.

IT IS FURTHER ORDERED that a copy of this Order shall be served on Defendant via certified mail, return receipt requested, at: 385 Deaton Road, Taylorsville, NC 28681, and also at: P.O. Box 723, Taylorsville, NC, 28681.

IT IS FURTHER ORDERED that the Clerk's office attach a copy of the Court's *Pro Se* Litigants' Guide to this Order for delivery to Defendant.

Signed: October 2, 2007

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

